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It's Up to You, Too

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Clean Air.
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"A system of opportunity for citizen participation in Federal environmental decisions is providing de facto what has been termed 'the most advanced environmental ombudsman system in the world'. It is up to the citizens to avail themselves of these constructive opportunities."

William D. Ruckelshaus
—ADMINISTRATOR

Clean Air.
It's up to you, too.

MARCH 1973

U.S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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Where we are in air pollution control

The countdown for cleaner air is under way. The 1970 amendments to the Clean Air Act broadened and accelerated the Nation's earlier air pollution control program. The law established a new strategy for air pollution control and established new timetables for action.

The law reaffirmed that State and local governments have the primary responsibility to control air pollution. The 1970 amendments also laid the foundation for a cooperative Federal-State program and strengthened the Federal government's role in air pollution control.

The first phase of the countdown began on April 30, 1971, when the U.S. Environmental Protection Agency (EPA) established national ambient air quality standards for the six most common air pollutants—sulfur oxides, particulates, carbon monoxide, photochemical oxidants, hydrocarbons and nitrogen oxides. (See Appendix A.)

The law required each State to hold public hearings to adopt an "implementation plan" to meet the air quality standards and to submit that plan to EPA for review and approval.

EPA was required to either approve the State plan, or send it back for improvement. EPA completed its review on schedule and, on May 31, 1972, approved the first of the State plans that met Federal requirements.

Thus began phase two of action for clean air under the 1970 law. The States now have until mid-1975 (1977 under certain circumstances) to meet the first of "primary" air quality standards that establish how clean the air must be to safeguard human health. Within a "reasonable time" after 1975, the States must meet "secondary" standards, which are usually more stringent than primary standards and establish how clean the air must be to prevent damage to clothes, buildings, metals, vegetation, animals, etc.

(EPA continues to study the effects of air pollutants on public health and welfare, and is authorized to revise national ambient air quality standards and to issue standards for other pollutants. If a revised or new standard is issued, the entire process—public hearings, adoption of implementation plans, EPA review and enforcement—must be undertaken anew.)

Each State implementation plan details the actions the State is already taking, or intends to take, within the deadlines set by both the Clean Air Act and EPA regulations. Each implementation plan is, in effect, a commitment by the State to the public that it will do whatever is necessary to achieve cleaner air, as required by Federal law, within specified time periods.

The public's stake in this commitment is enormous, for air pollution is the single greatest environmental threat to public health and well-being.

Recognizing this, literally thousands of citizens participated in the public hearings held by the States before they adopted their implementation plans. In

addition, thousands of citizens, individually and more often through voluntary civic organizations, have taken part in hearings, meetings, workshops, educational and even political activities to broaden public understanding of air pollution and to stimulate government and industry action for cleaner air. Indeed, citizen concern and citizen action helped generate the new air pollution control laws, both Federal and State, that now must be carried out.

Citizen organizations working for cleaner air have served notice that they intend to accept the invitation of Congress to participate in the implementation of these laws.

EPA encourages this citizen participation. Law enforcement cannot be effective without citizen support, cooperation and involvement. This is especially true in pollution control, which often requires changes in attitudes and values in order to change the pattern of pollution and business as usual. Organized citizen groups, with their healthy skepticism, have demonstrated their great capacity to focus public attention on what must be done to combat air pollution, and to prod and stir government and industry to action.

As the Federal agency charged by law with enforcement of the Clean Air Act, EPA welcomes citizen support and prodding. And to make this process as productive as possible—to produce cleaner air on schedule—EPA offers these guidelines for responsible citizen action.

Designed for groups already organized and active in pursuit of cleaner air, this booklet assumes that a citizen group or coalition already has some experience and sophistication in air pollution control. Some groups may find this too elementary; some, not elementary enough. For groups or individuals not yet involved in air pollution control, suggestions on how to organize and how to get involved are found in the publications listed in Appendix F.

But whether novice or veteran, citizen groups are vital cogs in the enforcement machinery now in motion to produce cleaner air.

What you can do

Concerned citizen organizations can undertake three basic missions in the enforcement of the Clean Air Act:

1. They can see that State and local air pollution control agencies have adequate funds, staff and legal authority to carry out the State's implementation plan.

2. They can support the control agencies and encourage and stimulate polluters to move steadily and speedily toward compliance with requirements of the implementation plan.

3. They can keep the public informed, on a continuing basis, of the progress of the pollution control program.

Responsible, informed citizen groups are uniquely qualified to carry out these missions. Independent of both government and industry, they can objectively evaluate the performance of both. They can focus public attention on what is and what is not being done. And because they reflect and articulate the public's desire for cleaner air, they attract press attention.

A dedicated citizen group or coalition thus is a potent force for action.

Assume now that you are a member of a citizens' organization seeking to clean up the air in your community. What should your group do to carry out the missions listed earlier?

Get informed

First, your group needs certain basic information. If you haven't already done so, secure the following documents and become thoroughly familiar with them:

- Your State's approved implementation plan. (Available from the State or local control agency.)
- EPA's comments on the plan. (Available from your State or local control agency or EPA.)
- The text of the Clean Air Act of 1970. (Available from EPA.)
- The texts of your State and local air pollution control laws and regulations. (Available from the control agencies.)
- An inventory of major sources of air pollution in your community. (Available from the State or local agency. Access to this data may require special computer runs.)
- EPA's requirements for implementation plans as published in the Federal Register, August 14, 1971, and revised on October 23 and December 30, 1971, December 9, 1972, January 12, 1973 and subsequently. (Available from EPA.)

If it hasn't already done so, your citizen group should establish good working relationships with the director and staff of the State and local control agency. (Many States have delegated authority for air pollution control to local governments, but the State remains responsible under the Clean Air Act for assuring that appropriate action is taken.) State and local control agencies are the prime sources of information on local control problems. Citizen groups need their help and cooperation

and, in turn, the agencies need the support and cooperation of these groups.

Your group should know the status of air pollution control in your community. What has been done to remedy air pollution problems? What remains to be done? What emission reductions are needed to meet national ambient air quality standards? This information should be available from your State and local control agency, for they either had such information or assembled it in order to prepare the implementation plan submitted to EPA.

With this background information, your group is ready to begin.

Fight for funds

How much money and staff do your State and local control agencies have to work with? How much do they need? The control agency itself is the best source for this information and is usually happy to provide it. In fact, the State implementation plan submitted to EPA spells out the resources available to the State and local agencies. The plan also lists the additional resources the agencies need over the next five years and how much the agencies expect to receive. EPA's comments on the State plan may contain useful information on budget needs.

One of your group's fundamental missions should be to see that the State and local governments provide adequate funds and staff to enable the control agencies to do their jobs. This means making sure that appropriations for the agencies get high priority in your State legislature and in your city or county council. This means making sure that you learn whether your Governor and local government executive release appropriated funds for the agencies. This means making sure that your State complies with Federal requirements so that it can get its full share of money that Congress provides to help State and local control agencies.

This also means making sure that your control agencies establish salary levels high enough to attract and keep qualified personnel. (One citizen group sparked a study of its agency's salary scale, found it was below national averages and campaigned successfully to upgrade salaries.)

Your citizen group should use every possible technique to assure that public officials at all levels of government provide adequate funds and staff for control agencies. The best-written laws and regulations are useless if money and staff are not available to enforce them. And enforcement is the name of the game.

Know the law

The EPA-approved State implementation plan specifies the legal powers the State has to enforce the plan. EPA's comments on the plan may suggest certain changes and improvements in State laws. Your citizen group should know what's expected and what changes, if any, need to be enacted by your State legislature.

In brief, State law must give your State agency authority to:

1. Adopt emission standards and limitations and any other measures necessary to attain and maintain national ambient air quality standards.
2. Enforce applicable laws, regulations and standards and seek injunctions, if necessary, to do so.
3. Take emergency action to prevent substantial endangerment to health in the event of an air pollution episode.
4. Prohibit the construction, modification or operation of any stationary source of air pollution if its emissions will prevent national air quality standards from being achieved and maintained.
5. Obtain all information necessary to determine if air pollution sources are in compliance with laws, regulations and standards. This includes requiring polluters to keep certain records and empowering the State agency to inspect and test pollution sources.
6. Require factories, power plants and other stationary sources of air pol-

lution to monitor their emissions and report the nature and amounts of emissions to the State agency. The State agency must be empowered to make this monitoring information available to the public.

In addition, if a State's plan for controlling air pollution includes inspecting and testing motor vehicles, other transportation control measures or land-use controls, and if the State agency is not yet empowered to do these things, the implementation plan must spell out the State's timetable for enactment of these laws.

Your citizen group should be as familiar with these State laws as are the control agency and polluters. Without this knowledge, you cannot determine what can be done, what must be done and what new laws may be needed to improve air pollution control.

You should also be familiar with the administrative procedures used by State and local control agencies to enforce regulations. Streamlined procedures, with an adequate legal staff, can enhance the effectiveness of the pollution control program.

In brief, your objective should be to see that your control agency has adequate legal powers and manpower—and uses them.

If all else fails

While the Clean Air Act gives States the main responsibility for bringing the air we breathe to healthful and safe levels, the Act also provides that EPA may take action if the States do not. For example:

EPA may, after a 30-day notice, issue an administrative order or take civil action against anyone violating the requirements of an implementation plan. Criminal penalties for knowing violations range up to $25,000 a day and one year in prison for the first offense, and up to $50,000 a day and two years in prison for subsequent violations.

EPA may enforce all or part of a State plan if a State is not willing or able to do so.

And EPA may seek emergency court action to stop pollution if an air pollution episode threatens "imminent and substantial endangerment" to public health.

Use the state plan

Your State's approach to air pollution control can take several forms, depending on specific problems in your area. Your group should be thoroughly acquainted with your State's control strategy. It's detailed in the State implementation plan approved by EPA, and it's discussed by EPA in its comments on your State's plan. Your State's control strategy must provide whatever emission reductions are necessary to reduce air pollution to the safe levels established by EPA in the national air quality standards. For instance:

The State plan may call for changes in industrial processes. It may regulate the siting of new factories. It may limit the use of certain fuels. It may involve tax incentives to encourage pollution control. It may call for eliminating what economists call "disincentives," such as tax laws that discourage pollution control. It may involve changes in traffic flow, banning automobiles from certain sections and encouraging greater use of mass transit instead of private cars.

But in most areas, a key air pollution control strategy will be *direct limits on emissions from specific sources of pollution*. And the heart of this strategy is the *compliance schedule* that your State is required to negotiate with each major polluter covering the six air pollutants for which national ambient air quality standards have been established.

Check source compliance schedules

A source compliance schedule negotiated by your control agency with a polluter is, in essence, a contract or agreement between the polluter and the public. It commits the polluter to reduce emissions over a specified period of time.

Each compliance schedule that allows more than one year for final implementation must provide legally enforceable "increments of progress"—steps that will be taken to insure compliance by the final deadline. Typically, a compliance schedule should contain:

- A deadline date for the polluter to submit a final air pollution control plan to the control agency.
- A date or dates for the polluter to sign contracts for the purchase of emission control systems or process modifications.
- A date or dates for the beginning of on-site construction or installation.
- A date for the completion of the new construction or process modification.
- A date for final compliance. (One kind of compliance schedule is shown in Appendix B, but some States may use a different format.)

Some control agencies have already negotiated source compliance schedules with polluters. Those that have not, must do so and submit them to EPA for approval.

When approved by EPA, a source compliance schedule becomes part of the State's implementation plan for meeting the national air quality standards.

Under EPA regulations, each State is required to hold a public hearing before adopting a compliance schedule and submitting it to EPA. The State is also required to give at least 30 days' public notice of the hearing and to make the proposed compliance schedule available for public evaluation and comment in adequate time for the public hearing.

Your group should urge your control agency to negotiate the required compliance schedules as quickly as possible. Use your influence to see that compliance schedules require speedy but reasonable progress toward the ultimate goal of reducing emissions so that standards are met.

All available information from the control agency and the polluter—except for trade secrets—should be subject to public scrutiny. Is the best available technology being used to abate pollution? Will it be installed fast enough? And will it meet emission standards? Is the compliance schedule clear-cut with firm deadlines for action?

The public should have access to this information. The public has a right to influence agreements reached by the control agency and polluters. If a polluter is being recalcitrant, let the public know. Public opinion can help strengthen the control agency's negotiating position. It is the public, after all, that bears the cost of air pollution and its control.

Your group should obtain and study

One question that's often raised and often confused is the difference between an air quality standard and an emission limitation or standard. As source compliance schedules and other control methods are put into effect, it's important to understand the difference.

An ambient air quality standard is a limit on the amount of a given pollutant permitted in the air around us.

An emission standard or limitation is the maximum amount of the pollutant that may be discharged from a specific source.

Thus, emission standards or limitations in source compliance schedules are used to achieve national ambient air quality standards.

each proposed compliance schedule prior to the public hearing. If you deem it adequate, you may want to prepare comments supporting it. If, in your opinion, it is inadequate, you should recommend changes and improvements. And if you wish to participate in the public hearing, your group should inform the control agency in advance that you plan to testify. Some States require that you request permission to testify or at least notify the agency in advance, so it can plan the agenda, reserve an appropriate meeting room, etc. In any event, your group should give notice of your intention to participate as a matter of courtesy and cooperation with the control agency.

Subject to EPA approval, a State may use its own procedures to meet the public hearing requirements of the Clean Air Act. States may use a "public meeting" when feasible and appropriate instead of a more formal "public hearing" which in some States is rigidly and legally defined. But whether at a "public hearing" or a "public meeting", citizens must be allowed to participate, must be given adequate advance notice and must have advance access to the proposal to be considered.

(Incidentally, your group may ask that the control agency's public hearings be scheduled for evenings or weekends to permit maximum citizen participation. Schedule your own meetings on evenings or weekends for the same reason.)

Once negotiated, signed and approved by EPA, compliance schedules become yardsticks to measure actual progress toward cleaner air. Your group should know the deadlines in the compliance schedules and check to see if those deadlines are met. Your group should report to the public periodically on this, with praise for progress and criticism for failure.

Except under certain conditions, EPA requirements prohibit a control agency from granting any variance or exception to a compliance schedule if it would prevent or interfere with attaining and maintaining a national air quality standard within the time specified in the implementation plan. If a proposed change in a compliance schedule is likely to prevent the polluter from achieving compliance by the final deadline, the control agency must hold a public hearing. And once again, the control agency must give adequate notice of the hearing and the proposed change.

Your group should arrange to be notified in advance of *all* public hearings held by your control agency, should routinely monitor those hearings, and when necessary, should participate.

Because a compliance schedule becomes part of a State's implementation plan, any variance or change must be approved by EPA. In fact, any revision in any part of the implementation plan must be approved by EPA.

A State itself may want to revise its implementation plan as it gains experience with it, of course. But your group should keep in mind that EPA requires that State plans be revised under certain conditions. For example: if EPA revises a national air quality standard, the States must revise their plans accordingly. If better methods of attaining national standards are developed, the States may be required to revise their plans to take account of these new or improved methods. And if EPA finds that a State plan is substantially inadequate to attain or maintain a national standard, the State must revise and improve its plan.

Keep in mind, too, that before making any revision in their implementation plans, the States are required by the Clean Air Act to give public notice and hold public hearings, as they did before adopting their original plans.

The number of compliance schedules negotiated by each State will depend on the number of major sources of pollution. If there are many in your area, your group—unless it is large enough to oversee all or most of them— should focus on those that will do the most to assure that national standards are met on time. A good guide to the major pollution sources in your community is the emission inventory available from your control agency. The control agency

can advise your group on which major sources need the most attention.

EPA requires that a compliance schedule designed to meet a primary standard must do so "as expeditiously as practicable," but not later than three years after it's approved by EPA. Certain exceptions are permitted; these are discussed on Pages 10–11.

Understand transportation controls

The Federal-State campaign for cleaner air includes controlling air pollution from motor vehicles. This involves two approaches.

First, the Clean Air Act requires manufacturers to reduce emissions from new cars and trucks to prescribed low levels by 1975 and 1976. In some densely populated metropolitan areas, with heavy concentrations of motor vehicles and chronic traffic congestion, however, motor vehicles will still cause a serious air pollution problem even when car and truck emissions are brought down to Federal standards.

In these areas, a second approach—transportation controls—will be needed to reduce air pollution from motor vehicles. Such controls could include:

- Reducing the total number of cars on streets and highways by banning street parking, increasing parking fees, graduating parking fees and tolls according to the number of passengers per vehicle and other incentives to carpooling.
- Speeding traffic flow by converting some streets and highways to one-way roads, setting up express lanes for commuter buses and staggering working hours to curb rush-hour traffic volume.
- Improving public transportation by upgrading present systems or developing new mass-transit facilities.
- Requiring emission control devices on older cars.
- Testing and inspecting motor vehicles to make sure emission control devices are operating properly, and prohibiting the use of vehicles that fail such tests.
- Requiring fleets of taxis, buses, trucks, government cars, etc., to convert to less polluting gaseous fuel systems (liquefied petroleum gas, liquefied natural gas, etc.)
- Using land-use controls to govern the location of new highways, parking areas and developments likely to contribute to dense traffic, with consideration of community air quality built into those decisions.

Approximately 34 heavily populated metropolitan regions in 18 States are considering transportation controls to achieve the national air quality standards.

Citizen groups in regions where transportation controls are required should become familiar with their control agency's proposals, should take part in public hearings on those proposals and should help muster public understanding and support for adequate control plans so they can be implemented on schedule.

Citizen groups should also obtain the results of transportation studies that EPA is conducting in several cities in cooperation with State and local control agencies.

Other tools

The State's implementation plan contains other aids that your group can use to see how the plan is being enforced. For example:

EPA requires a State agency to submit quarterly reports on air quality and semiannual reports on progress under the implementation plan. These reports will provide a measure of progress toward cleaner air. They must be made available to the public. Your citizen organization could obtain them, evaluate them and help make the public aware of the information they contain.

EPA requires a State agency to obtain from polluters whatever information is necessary to determine if they are in compliance. The State agency is required to inspect and test pollution sources. It must also require polluters to monitor and report on their own emissions. This information must also

be made public in understandable form. That is, emission data must show actual or estimated emissions vs. allowable emissions.

EPA also requires the State agency to have an air quality monitoring system for emergency episodes; it must be in operation no later than one year after the implementation plan is approved. The State agency must also have a broader monitoring system in operation no later than two years after approval of the implementation plan.

Your group can check to see if those monitoring systems are adequate and in operation on schedule. Monitoring data must be made available to the public, so you can also check to see if the air in your community is indeed getting cleaner.

Know the deadlines and exceptions

The Clean Air Act of 1970 contains deadlines for action to achieve cleaner air. However, the law permits certain extensions and postponements. For example:

Primary Standards—The law requires a State to meet national primary air quality standards "as expeditiously as practicable," but no later than three years after an implementation plan is approved. However, the law allows a Governor, at the time the State submits its implementation plan, to request an extension to five years for heavily polluted areas. EPA is authorized to grant this extension if the State shows that one or more pollution sources will be unable to comply within three years because necessary control technology is not available. But the State must meet the primary standards within five years.

Secondary Standards—The Clean Air Act requires a State to meet secondary standards within a "reasonable time" after implementation plan approval. For controlling sulfur oxides and particulates, "reasonable time" is defined as not longer than three years unless there's good cause for postponement. And if good cause is shown, or if reasonably available control technology will not permit the secondary standard to be reached, "reasonable time" will depend on the degree of emission reduction needed to achieve the standard and the social, economic and technical problems involved in doing so.

(Note: EPA granted several States two-year extensions to meet primary standards for some pollutants, and 18-month extensions to meet secondary standards for some pollutants. The extensions were subsequently challenged in Federal Court by the Natural Resources Defense Council. Final court decision was still pending a. this publication was printed in early 1973. Check your control agency, or EPA, to find out

Need information?

What's the status of the implementation plan to reduce air pollution in your community? What can be done to assure its effectiveness? What can you do to assure its success?

State and local air pollution control agencies are the prime sources of this and other information. For a list of State control agencies see Appendix E.

Additional information is available from the U.S. Environmental Protection Agency. Specialists in public affairs and in air pollution programs can be contacted at EPA regional offices (see Appendix G). Inquiries can also be directed to EPA's Office of Public Affairs, Washington, D.C. 20460.

if your State was given an extension and to find out the effect of the court challenge on the status of the extension.)

Source Compliance—The Clean Air Act also allows a Governor to ask EPA for a one-year postponement in applying its control strategy to a specific source. EPA must grant the extension if it determines:

- that "good faith" efforts have been made to comply with the original plan,
- that the particular source for which the extension is sought is unable to comply because the "necessary technology" or alternative control methods are not available,
- that the State will use other means to reduce the impact on public health of emissions from the source, and
- that continued operation of the pollution source is essential to "national security" or to public health or welfare.

EPA will hold a public hearing on any request for a one-year postponement, but not earlier than one year before the originally scheduled date for compliance. EPA's decision on any request for a one-year postponement may be appealed in Federal court "by any interested person."

(A one-year postponement on source compliance differs from a variance. A variance is usually requested by a polluter. A postponement must be requested by a Governor—in effect, on behalf of a polluter.)

Your citizen group should make every effort to learn if your State intends to seek one-year postponement of compliance for any polluter. Obtain all available information and determine if a postponement is justified. Seek clear definitions of such terms as "good faith" and "necessary technology."

If you think a postponement is not justified, explain why. If the agency nevertheless seeks the postponement, present your case to the Governor; he must sign the request for postponement. And if the request is submitted to EPA, your group should take part in the public hearing that EPA will hold. And, of course, EPA's decision can be appealed to the courts.

Your legal rights

The Clean Air Act makes several legal tools available to citizens. As already noted, any interested person can go to court to challenge a source compliance postponement granted by EPA. Also, EPA and State and local control agencies must make information on air quality and emissions available to the public. (See Appendix C.)

In addition, the 1970 law gives any "person" the right to bring a civil suit against any other "person" violating an emission standard or limitation under the Act, or an EPA or State order issued under the Act. A "person" is defined as "an individual, corporation, partnership, association, State, municipality and political subdivision of a State."

The Act also gives individuals the right to file suit against the EPA Administrator if he fails to perform a mandatory act required by law.

By giving citizens this broad right to sue, the Clean Air Act provides a weapon of last resort to compel action toward cleaner air. There are some conditions on this right, however:

- Anyone intending to bring suit under the Act must give 60 days' notice to the EPA Administrator, to the State in which the alleged violation occurs and to the alleged polluter. If a violation of a hazardous pollutant standard or enforcement order issued by EPA is alleged, the suit may be brought immediately after giving notice, without waiting 60 days. (See Appendix D.)
- Citizens cannot file suit if EPA or the State "has commenced and is diligently prosecuting a civil action" against a violator to require compliance. However, anyone may intervene in such a Federal or State suit. And EPA may intervene in any suit brought by citizens or a State.

The Clean Air Act authorizes a court to award the costs of litigation, "including reasonable attorney and expert witness fees," to any party in a suit, as the court thinks appropriate. And a court may require the person filing suit to post a bond.

Citizens have long had the right to file suit under nuisance laws for damages to health and property caused by a polluter. That right is not taken away by the Clean Air Act. What the Act does is extend the legal rights of citizens by giving them the additional right to sue a polluter for violating a compliance schedule, to sue a State or local control agency for failing to enforce its regulations and to sue EPA.

The possibility of a citizen suit can stimulate polluters and governments to comply with control laws and regulations.

Two other Federal laws also offer citizens legal tools that can be helpful in campaigns for cleaner air. They are the National Environmental Policy Act of 1969 and the Freedom of Information Act of 1966. Some States have enacted similar legislation.

A note of caution, however, for citizen groups that believe they have no alternative but to take court action: do so only with competent legal assistance. Consult lawyers in your organization or nearest public-interest law group.

Telling your story

A wide range of educational techniques can be used by citizen groups to spur enforcement of State implementation plans for cleaner air. These include newsletters, press releases, newspaper ads, workshops, seminars, testifying at public hearings held by control agencies and legislative bodies, sending speakers to appear before other organizations and writing letters to the press and public officials. (These and other techniques are discussed at greater length in another EPA publication, "Don't Leave It All To The Experts.")

Indeed, the success achieved by many responsible citizen organizations in getting their story before the public demonstrates that most need little guidance on how to communicate. Many use the talents and skills of members who are experienced public relations practitioners. Many groups have long maintained good relations with the press in their communities, and there is no need here to emphasize how this is done.

On the air

One avenue of communication not widely used by citizen organizations is the broadcast media—radio and television. They should be used, for they offer citizen organizations powerful forms of public communication on the success or the failure of a State's implementation plan.

Commercial radio and television stations are required by the Federal Communications Commission to make available to community organizations and causes a certain amount of "public service time." Your group should explore the availability of public service time.

Public radio and television stations also should be contacted. They devote considerable time to community programs, and often seek to present public discussion of community problems.

The progress of your State's implementation plan to achieve cleaner air in your community may well be a subject public radio or television would like to cover, perhaps as a monthly report to the public.

Still another resource that should not be overlooked is the college and university radio station. Student broadcasters quite often are sympathetic to environmental improvement.

Fine, you might say, but how does your group get on radio or television? Try the direct approach. Visit the manager or program director of the commercial, public and college radio and television stations in your community and ask them for broadcast time.

If the answer is yes, what do you do? How do you put together a suitable show? The station program staff will help, of course, but you might keep these guidelines in mind:

1. The program should have a clear objective: to inform the public on how the State's implementation plan is working, and to stimulate action for cleaner air. People know air pollution is a problem and that there are pollution control laws; they are interested in action. So is your group; that's why it exists. So zero in on specifics.

Are major polluters in your commu-

nity meeting the deadlines called for in source compliance schedules? Does the control agency have adequate funds and staff? Are all aspects of the control strategy working? Are polluters cooperating? What problems are not yet being tackled? When can the public expect the air in your community to be cleaner?

Tell it like it is, the good and the bad. Use the State implementation plan as a checklist against which to measure progress.

2. The program should be a balanced presentation of the problem. Your organization might "host" the broadcast, but include spokesmen for the control agency and for polluters.

3. The program should give the listening or viewing public a chance to participate. This can be done by providing time for questions from the audience, if there is one, or by having people phone in and ask questions.

4. The program should be as concise and entertaining as possible. Avoid long speeches, monologues and lectures. Avoid formal debates.

5. The program should move at a brisk pace. A 30-minute presentation is most desirable.

6. The program should suggest specific things people can do to help. For instance: A telephone number to call (your group's or the control agency's or both) to report a suspected air pollution violation; tips on how to conserve electricity, thereby helping to reduce power plant pollution; time and place of important public hearings to attend; names and addresses of public officials to write to on pending decisions, bills, appropriations, etc., related to air pollution control; information on what to do in the event of an air pollution episode.

7. While you might consider the program "your show," the broadcasting station is responsible for what goes on the air. Make suggestions, of course, but respect the rights and responsibilities and the professional experience of the station's staff.

8. A television program needs visual material. Try to include films and still photographs in order to reach the viewer through his eyes and ears.

9. The program should relate air pollution to people. Without scaring people into a sense of futility and hopelessness, present the effects of air pollution on health to dramatize the importance of action for cleaner air.

10. The program should be credible. Participants should know what they're talking about. If someone doesn't know the answer to a question, he or she should say so—and get it for the next program.

11. The program should be broadened to include other environmental issues, if your group is equipped to do it. Try to talk a station into periodic coverage to discuss water pollution, solid waste disposal, noise, radiation, pesticides, recreation, open space, transportation, land-use planning and zoning, wildlife, population control, water supply—these, along with air pollution, are parts of the total condition of the environment in your community.

Some radio and television stations may prefer a periodic appraisal of the community's environment, a sort of monthly reading of the environmental quality index. If your group is not prepared to provide expertise beyond air pollution problems, work with other citizen organizations that know those fields. You may want to involve other citizen groups anyway, to widen the base and appeal of your proposed radio or television programs.

This outline only skims the surface, of course. The possibilities are limited only by the imaginations of those developing the program. As many citizen organizations do, your group should seek all possible assistance from members or sympathetic outsiders who are professional communicators.

Public hearings

Another way to communicate with the public is to testify at public hearings. Your objectives should be twofold: (1) to get your views before the control agency or legislative body hold-

ing the hearing; (2) to air your views through the press and broadcast media.

The following suggestions are based on the experiences of many citizen organizations that have been through the earlier stages of the fight for clean air. Your group may be one of them, but you may, nevertheless, find these suggestions helpful:

Before The Hearing

1. Prepare a typewritten statement and make copies.

2. Prepare a press release and deliver it at least the day before the hearing, with a copy of your statement. Be sure both the release and the statement are marked "Advance Copy—Not For Release Until. . . ." (Insert date and time when you expect to present the statement.)

3. If possible, deliver the release and statement to your press contacts personally. If you can't do so, call and tell them the release and statement are on the way. Don't waste reporters' time discussing or reading the release or statement on the phone unless they ask you to.

This advance press work does several things: it reminds the press that the hearing is coming up; it shows your press contacts that you've thought of them, even though they know you want coverage; and, if they cannot cover the hearing, at least they have your statement.

At The Hearing

1. Have a prepared typewritten statement, with enough copies for each member of the committee or board or commission conducting the hearing, plus extras for their files, and have more copies for the press along with your press release.

2. Be brief. Speak no more than four or five minutes, but ask to have your full statement included in the hearing record.

3. Begin with your name, address, title or group affiliation, and cite other groups, if any, that support your position and have asked you to say so.

4. Tell why you support, or oppose, the subject under consideration. Give facts to support your position. Don't make accusations you cannot support.

5. If appropriate, explain how the public interest is affected, who will benefit and how much it will cost.

6. If your group has several spokesmen, make sure to avoid repetition unless emphasis is desired. Have each speaker cover a different point, or approach the problem from a different aspect.

7. Speak clearly—loudly enough to be heard, slowly enough to be understood, but quickly enough to keep the listeners' attention.

8. Be prepared to answer questions —to explain your position, to explain the purpose of your group, to explain how your group's position was reached (executive board vote, membership meeting vote, mail referendum, etc.). If you don't know the answer to a question, say so, and offer to try to get the answer and send it in for the record. On rare occasions, a committee or board member may be hostile and attempt to rattle, confuse, irritate or intimidate you. Don't let yourself get confused, angry or nasty. Keep your cool.

9. Try to have as many supporters as possible attend the hearing. Casually mention their presence in your opening comments. Some call this "packing a hearing." Others call it "showing strength and support." Numbers reinforce your stand. An indication of support can sway legislators as well as public opinion.

10. Listen carefully to other statements presented, especially by the opposition. Make note of factual errors or new ideas or proposals, for you may be asked to comment on what other witnesses say. If so, don't attack the opposition or make personal remarks.

11. Respect the right of others to disagree with you. Do not applaud or show disapproval of any speaker.

12. If you have written statements of community leaders, other organizations, etc., who support your position but could not attend the hearing, ask that

the statements be included in the hearing record.

13. Thank the committee for giving you the opportunity to testify.

After The Hearing

1. Promptly prepare and submit answers to any questions you were asked but could not answer at the hearing. If you think any statements made by the opposition were factually incorrect or need rebuttal, prepare and submit a supplementary statement for the record. But don't rehash what you said in your original statement.

2. If your press contacts wrote or broadcast stories containing your views, phone them and thank them for the coverage.

3. Don't complain to the press if your views weren't included in their coverage or if you think the coverage was bad or that you were misquoted.

4. A few days after the hearing, send a letter to the newspaper editor for publication referring to the hearing and pointing out what, if anything, the public can do to help.

5. Let your own members know what happened at the hearing through your organization's newsletter or by a special letter to all members and include copies of press clippings, if any.

Summing up

If you have read this far, you know that these guidelines add up to hard work for every member of your organization. But hard work is precisely what's needed if the goals of the Clean Air Act are to be achieved.

Government at all levels and industry have clear responsibilities to meet if your community is to achieve cleaner air, and if our Nation is to carry out its first truly comprehensive environmental improvement program. But the role of citizen organizations—what might be called the third force for action—must also be fully recognized. Government and industry are responsive to the will of the people. And your citizen organization and others like it emphasize the people's will to have cleaner air.

The Clean Air Act and other recent environmental laws reflect growing awareness of the vital role of citizen organizations in achieving national goals. And those laws give citizen organizations unprecedented rights and tools to pursue those goals.

Use them, for as President Nixon has said: "In the final analysis, the foundation on which environmental progress rests in our society is a responsible and informed citizenry. My confidence that our Nation will meet its environmental problems in the years ahead is based in large measure on my faith in the continued vigilance of American public opinion and in the continued vitality of citizen efforts to protect and improve the environment."

APPENDIX A — National Air Quality Standards

SULFUR OXIDES—Sulfur oxides come primarily from the combustion of sulfur-containing fossil fuels. Their presence has been associated with the increased incidence of respiratory diseases, increased death rates and property damage.

Primary Standard

- 80 micrograms per cubic meter (0.03 ppm) annual arithmetic mean.
- 365 micrograms per cubic meter (0.14 ppm) as a maximum 24-hour concentration not to be exceeded more than once a year.

Secondary Standard

- 60 micrograms per cubic meter (0.02 ppm) annual arithmetic mean.
- 260 micrograms per cubic meter (0.1 ppm) maximum 24-hour concentration not to be exceeded more than once a year.
- 1,300 micrograms per cubic meter (0.5 ppm) as a maximum three-hour concentration not to be exceeded more than once a year.

PARTICULATE MATTER — Particulate matter, either solid or liquid, may originate in nature or result from industrial processes and other human activities. By itself or in association with other pollutants, particulate matter may injure the lungs or cause adverse effects elsewhere in the body. Particulates also reduce visibility and contribute to property damage and soiling.

Primary Standard

- 75 micrograms per cubic meter annual geometric mean.
- 260 micrograms per cubic meter as a maximum 24-hour concentration not to be exceeded more than once a year.

Secondary Standard

- 60 mircrograms per cubic meter annual geometric mean.
- 150 micrograms per cubic meter as a maximum 24-hour concentration not to be exceeded more than once a year.

CARBON MONOXIDE—Carbon monoxide is a byproduct of the incomplete burning of carbon-containing fuels and of some industrial processes. It decreases the oxygen-carrying ability of the blood and, at levels often found in city air, may impair mental processes.

Primary and Secondary Standards

- 10 milligrams per cubic meter (9 ppm) as a maximum eight-hour concentration not to be exceeded more than once a year.
- 40 milligrams per cubic meter (35 ppm) as a maximum one-hour concentration not to be exceeded more than once a year.

Both the one-hour limit and the eight-hour standard afford protection against the occurrence of carboxy-hemoglobin levels in the blood of 2 per cent. Carboxy-hemoglobin levels above 5 per cent have been associated with physiological stress in patients with heart disease. Blood carboxy-hemoglobin levels approaching 2 per cent have been associated by some researchers with impaired psychomotor responses.

PHOTOCHEMICAL OXIDANTS—Photochemical oxidants are produced in the atmosphere when reactive organic substances, chiefly hydrocarbons, and nitrogen oxides are exposed to sunlight. Photochemical oxidants irritate mucous membranes, reduce resistance to respiratory infection, damage plants and contribute to the deterioration of materials.

Primary and Secondary Standards

- 160 micrograms per cubic meter (0.08 ppm) as a maximum one-hour concentration not to be exceeded more than once a year.

HYDROCARBONS—Hydrocarbons in the air come mainly from the processing, marketing and use of petroleum products. Some of the hydrocarbons combine with nitrogen oxides in the air to form photochemical oxidants. The hydrocarbons standards, therefore, are for use as a guide in devising implementation plans to achieve the oxidant standards.

Primary and Secondary Standards

- 160 micrograms per cubic meter (0.24 ppm) as a maximum three-hour concentration (6 to 9 a.m.) not to be exceeded more than once a year.

NITROGEN OXIDES—Nitrogen oxides usually originate in high-temperature combustion processes. The presence of nitrogen dioxide in the air has been associated with a variety of respiratory diseases. Nitrogen dioxide is essential in the natural production of photochemical oxidant.

Primary and Secondary Standards

- 100 micrograms per cubic meter (0.05 ppm) annual arithmetic mean.

The U.S. Environmental Protection Agency is examining other pollutants to determine whether any may be covered by future air quality standards.

APPENDIX B

PLAN FOR COMPLIANCE
of
X Y Z Company
Plumbing and Heating Division

A. The X Y Z Company (hereinafter referred to as the Company) hereby submits a plan for compliance to bring the operations of its Plumbing and Heating Division (hereinafter referred to as the Division), 6069 Fort Timber Lane, Sinterville, Hotlanta 00001, within the requirements of 17567 and 17568 of the Regulations Governing the Control of Air Pollution in Zone 2, promulgated for Article 17, Section 503 of the Annotated Code of Hotlanta.

B. The Company hereby waives any obligations which the Hotlanta State Department of Health (hereinafter referred to as the Department) may have, to forward a Notice of Violation which may be required under Article 17, Section 504 (a), (b), and (c).

C. The Company represents that such noncompliance results from the fact that the Division in the usual and ordinary operation of its present cupolas and auxiliary equipment is unable to achieve the emission standards as set out in the Regulations referred to in paragraph (1) above.

D. The Company represents that on or before September 30, 1971, the Division will conduct its operation in such a manner that it will be in compliance with the regulations referred to in paragraph (1) above as they pertain to "new installations."

E. In order to assure that the Division will be in full compliance by September 30, 1971, the Company hereby represents that it has or will perform the following acts:

1. On or before December 31, 1969:
   a. A system for controlling emissions from the cupola has been selected employing afterburners followed by a quencher tower and a high temperature baghouse with capacity of 50,000 cfm.
   b. The Industrial Division of X Y Z Company has been selected as the prime equipment supplier and a Mr. Joseph Jones retained as a consultant.
   c. Layout drawings for the prime and satellite equipment have been completed and will be submitted as part of the cupola re-registration. These will also include the dust disposal system, charging system and substation.
   d. A request for capital expenditures, operating cost and construction schedules have been submitted for approval through corporate headquarters.
2. On or before March 31, 1970:
   a. Obtain corporate approval of the entire project.
   b. Sign the prime contract for the cupola emission control system.
   c. Complete drawings on substation, disposal system, gas supply system, etc.
3. On or before June 30, 1970:
   a. Complete secondary contracts for dust and slag disposal systems, substation, gas supply system, foundations, etc.
   b. Rework the electrical distribution system to accommodate the new substation
   c. Complete drawings on the charging system.
4. On or before September 30, 1970:
   a. Contract for demolition of standby cupola.
   b. Complete gas supply line and foundations for fan and baghouse.
   c. Erect dust and slag disposal system.
5. On or before December 31, 1970:
   a. Complete the installation of the substation.
   b. Demolish the standby cupola.
   c. Sign the contract for the charging system, air and water supply system and necessary building modifications.
   d. Start erection of the baghouse.

6. On or before March 31, 1971:
   a. Erect the quench tower.
   b. Complete construction of the baghouse.
   c. Erect the control room.
7. On or before June 30, 1971:
   a. Connect ductwork between quench tower and baghouse.
   b. Start erection of the new charging system.
   c. Complete utility services to the control room.
8. On or before September 30, 1971:
   a. Remove the present wet cap and install the new cupola top section with afterburners.
   b. Complete installation of the charging system and building modifications.
   c. Complete all phases of construction and test operation of equipment.

(a) That the Company will comply with all other Regulations Governing the Control of Air Pollution in the State of Hotlanta and will not during the term of this Plan for Compliance exceed the emissions levels currently resulting from its usual and ordinary operations.

(b) The Company further represents that it will send to the Department detailed progress reports coincident with the quarterly schedule outlined in paragraph (E) above.

_____
Witness

_____
Peter K. Wiles, President
X Y Z Company

Recommendations

Approval of the foregoing Plan for Compliance is hereby recommended by the Division of Air Quality Control of the State Department of Health.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY THIS ____ DAY OF _____ 19___

_____
SPECIAL ASSISTANT ATTORNEY GENERAL

_____
Albert Johns, Chief
Division of Air Quality Control
Hotlanta State Department of Health

Approval of the foregoing Plan for Compliance is hereby recommended by the Hotlanta State Department of Health.

_____
John Smith, Acting Commissioner
Hotlanta State Department of Health

Approval of Plan for Compliance

Upon agreements and representations made by the Company and recommendations of the Chief of the Division of Air Quality Control and of the Acting Commissioner of Health, the aforegoing Plan for Compliance is hereby approved this _____ day of _____ 1970.

_____
Paul Carstahl
Secretary of Health

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

PART 2—PUBLIC INFORMATION

On August 28, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 17360) concerning the procedures to be followed by the Environmental Protection Agency in making records available to the public pursuant to the Freedom of Information Act, 5 U.S.C. 552. After consideration of all relevant comments and suggestions from interested persons, the proposed rules have been revised, and are hereby adopted as Part 2 of Title 40, as set forth below.

Effective date. In view of the importance of formalizing at the earliest practicable date the procedures that the Environmental Protection Agency will follow in response to requests for information, and in further view of the fact that no affected party will be required to alter his past practices as a result of promulgation of these regulations, it is found that good cause exists for dispensing with the 30-day period normally provided for by 5 U.S.C. 553(d). Accordingly, these regulations will be effective upon publication in the FEDERAL REGISTER (12-3-71).

WILLIAM D. RUCKELSHAUS,
Administrator.

NOVEMBER 30, 1971.

Sec.
2.100 Scope.
2.101 General policy.
2.102 Procedures applicable to the public.
2.103 Agency procedures in response to request.
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2.105 Exemptions.
2.106 Determinations by the Office of the General Counsel or a Regional Counsel.

Sec.
2.107 Determinations by the Office of Public Affairs.
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AUTHORITY: The provisions of this Part 2 issued under 5 U.S.C. 552, as amended by Public Law 90-23.

§ 2.100 Scope.

This part establishes procedures for the Environmental Protection Agency (EPA) to implement the provision of the Administrative Procedure Act (5 U.S.C. 552(a)(3)) relating to the availability to the public of identifiable records contained in agency files, and not published in the FEDERAL REGISTER. This part is applicable to all EPA components, including all EPA regional offices, field installations and laboratories.

§ 2.101 General policy.

It is the policy of EPA to make the fullest possible disclosure of information to any person who requests information, without unjustifiable expense or delay. Where information is exempt under 5 U.S.C. 552(b) from mandatory disclosure, the EPA Office of Public Affairs may, pursuant to § 2.107, order disclosure in the public interest, unless such disclosure is prohibited by law.

§ 2.102 Procedures applicable to the public.

(a) *Form of request.* A request need not be in any particular form, but it (1) must be in writing, and (2) must describe the records sought with sufficient specificity to permit identification.

(b) *Place of request.* A request for records may be filed with the EPA Office of Public Affairs, 401 M Street SW., Washington, D.C. 20460, or with any other EPA office. Requests for records located in the indicated States may be filed with the following EPA Regional Offices:

(1) *Region I.* (Massachusetts, Connecticut, Maine, New Hampshire, Rhode Island, Vermont), Room 2303, John F. Kennedy Federal Building, Boston, Mass. 02203.
(2) *Region II.* (New Jersey, New York, Puerto Rico, Virgin Islands), Room 847, 26 Federal Plaza, New York, NY 10007.
(3) *Region III.* (Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia), Post Office Box 12900, Philadelphia, PA 19108.
(4) *Region IV.* (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee), Suite 300, 1421 Peachtree Street NE., Atlanta, GA 30309.
(5) *Region V.* (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin), 1 North Wacker Drive, Chicago, IL 60606.
(6) *Region VI.* (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), 1114 Commerce Street, Dallas, TX 75202.
(7) *Region VII.* (Iowa, Kansas, Missouri, Nebraska), Room 702, 911 Walnut Street, Kansas City, MO 64106.
(8) *Region VIII.* (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), Room 9041, Federal Office Building, 19th and Stout Streets, Denver, CO 80202.

(9) *Region IX.* (Arizona, California, Hawaii, Nevada, American Samoa, Guam, Trust Territories of Pacific Islands, Wake Island), 760 Market Street, San Francisco, CA 94102.

(10) *Region X.* (Alaska, Idaho, Oregon, Washington), 1200 Sixth Avenue, Seattle, WA 98101.

§ 2.103 Agency procedures in response to request.

Within 10 working days after receipt of a request for records by an EPA office other than the Office of Public Affairs, such office will forward a copy of the request (with the date and place of receipt noted thereon) to the EPA Office of Public Affairs. In the event the office receiving the request is not the office responsible for maintaining the records requested, the request shall be forwarded immediately to the office having such responsibility.

§ 2.104 Duties of responsible EPA office.

Within 10 working days after receipt of a request for records, the EPA office responsible for maintaining the records requested will:

(a) Obtain, or ascertain the location of, the records requested, and, unless a determination pursuant to § 2.106 is required, inform the requesting party of where the records may be inspected and, if ascertainable, of the charge for furnishing copies; or

(b) Inform the requesting party that the search for the requested records is continuing, and advise him of the anticipated date of completion of the search, and of any necessary subsequent extensions of such date, at which time (but in no event later than 30 days after receipt of a request for records) the provisions of the appropriate paragraph of this section will be promptly followed; or

(c) Inform the requesting party that the records sought are in the possession of another Government agency; refer the request to the office in such other agency where the records may be found; and notify the requesting party of such referral; or

(d) Inform the requesting party that the records requested do not exist to the best knowledge of the receiving office; or

(e) Inform the requesting party that the records requested have been published in the FEDERAL REGISTER, or in any other generally available publication, and furnish the citation to such publication and the place or places where it may be obtained; or

(f) Inform the requesting party that disclosure of all or part of the records requested is under review pursuant to § 2.106, and promptly forward the request in accordance therewith: *Provided,* That with respect to any part of the records requested which is not subject to review pursuant to § 2.106, action shall be taken promptly under the appropriate paragraph of this section; or

(g) Furnish such other information or take such other action as is appropriate; and

(h) Advise the EPA Office of Public Affairs of the action taken.

§ 2.105 Exemptions.

(a) *Exempt information.* Records may be exempt from disclosure, pursuant to 5 U.S.C. 552(b), when they pertain to matters that are:

(1) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

(b) *Procedures.* The office responsible for maintaining the records requested will make a preliminary evaluation to determine whether they are exempt from mandatory disclosure pursuant to 5 U.S.C. 552(b). Whenever it is determined that the records requested are or may be exempt, such office will promptly forward a copy or a description of the records requested, together with a brief statement of its position with reference to the applicability of an exemption, and a request for a determination to the Office of the General Counsel at EPA headquarters, or to the Regional Counsel for the region in which the records are located, and, if the information contained in the records requested was obtained from a person other than EPA, will give notice of the request to such other person.

§ 2.106 Determinations by the Office of the General Counsel or a Regional Counsel.

(a) *General.* Not later than 10 working days after receipt of a request for a determination, the Office of the General Counsel or Regional Counsel:

(1) Will advise the office requesting the determination to release the records requested, if no exemption pursuant to 5 U.S.C. 552(b) is found applicable; or

(2) Will advise the office requesting the determination not to release the records requested, if disclosure is prohibited by law; or

(3) Will, if it is found that an exemption

pursuant to 5 U.S.C. 552(b) is applicable, but that disclosure is not prohibited by law, forward to the EPA Office of Public Affairs the entire file, with an opinion as to the applicability of a statutory exemption; and

(4) Will, if the information contained in the requested records was obtained from a person other than EPA, advise such other person of the action taken pursuant to this section.

(b) *Consultation.* A determination by a Regional Counsel under paragraph (a) of this section will be made only after consultation with the Office of the General Counsel.

§ 2.107 Determinations by the Office of Public Affairs.

Not later than 10 working days after receipt of an opinion from the Office of the General Counsel or a Regional Counsel pursuant to § 2.106(a)(3) as to the applicability of an exemption under 5 U.S.C. 552(b), the Office of Public Affairs will determine whether the records requested should be made available in the public interest, notwithstanding the applicability of an exemption, and will

(a) Order the disclosure of the records requested, or

(b) Notify the requesting party in accordance with § 2.109 that the records requested will not be disclosed.

§ 2.108 Creation of records.

Documents will not be created by compiling selected items from other documents at the request of a member of the public, nor will records be created to provide the requesting party with data such as ratios, proportions, percentages, frequency distribution, trends, correlations, or comparisons.

§ 2.109 Denial of requests for records.

(a) General: If it is determined pursuant to this part that requested records will not be provided, the EPA office responsible for maintaining the requested records (or, in the event a determination has been made under § 2.107(b),) the Office of Public Affairs will notify the requesting party in writing that the request has been denied. A written denial of a request for information will contain a brief explanation of the statutory basis for nondisclosure, and will state that judicial review is available in the U.S. District Court for the district in which the requesting party resides or has his principal place of business, or in which the records sought are located.

(b) If EPA shall fail to grant or to deny in writing a request within 90 days following its receipt, the requesting party may regard such failure as final EPA action denying the request, and will be entitled to pursue his remedy in the courts as provided by 5 U.S.C. 552(a)(3).

§ 2.110 Copies of documents.

If it is determined that records requested may be disclosed, the requesting party will be entitled to copies. However, records shall not be released for copying by non-EPA personnel. When a determination not to disclose a portion of records requested has been made, records will be masked for copying of nonexempt portions of the documents.

§ 2.111 Payment.

(a) *Charges.* Fees will be charged for copies of records which are furnished to a person under this part and for time spent in locating and reproducing them, in accordance with a fee schedule maintained and revised by the Office of Public Affairs. No fee will be charged for time spent in processing of any request for information, nor will any fee be charged for periods of less than one-half hour spent in connection with a search for records. For the purposes of this section, "processing" shall include all time spent in generating correspondence related to a request and in making determinations under §§ 2.106 and 2.107.

(b) *Prepayment.* In the event pending requests under this part from the same requesting party would require the payment of fees in excess of $10, such records will not be made available, nor copies of such records furnished unless the requesting party first submits payment in the total amount due; or, if not ascertainable, in the approximate amount that woud become due upon compliance with the request, as determined by the Office of Public Affairs or by the office complying with the request. In the event an advance payment hereunder shall differ from the amount of the fees actually due, an appropriate adjustment will be effected at the time the copies requested are delivered.

(c) *Waiver.* The Office of Public Affairs or the office complying with the request may waive the payment of fees, if such waiver would be in the public interest.

[FR Doc. 71-17675 Filed 12-2-71;8:49 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

PART 2—PUBLIC INFORMATION

Trade Secrets and Privileged or Confidential Information

On December 3, 1971, the Environmental Protection Agency published, at 36 F.R. 23058, final regulations to implement the Freedom of Information Act provisions of 5 U.S.C. 552. On the same date, EPA proposed amendments, at 36 F.R. 23077, to add a new § 2.107a to those final regulations. The new section was proposed to deal with the issues raised by requests for information said to contain trade secrets or other confidential information, and therefore exempt from mandatory public disclosure under 5 U.S.C. 552(b)(4) and § 2.105 (a)(4) of the EPA regulations. Public comment was invited on the amendments, and the time for comment was subsequently extended

through February 2, 1972, by a notice published at 37 F.R. 621 (January 14, 1972).

The amendments published here have been modified as a result of comments received. It is appropriate at this time to set forth EPA's reasons for proposing the amendments and for including in them the changes reflected below.

It became clear during the first year of EPA's existence that it could expect to receive a comparatively large number of requests from members of the public for information submitted by other members of the public, particularly by regulated industries.

Much of the information requested, however, was information of the sort described in 5 U.S.C. 552(b)(4), and exempted from mandatory public disclosure as "trade secrets and commercial or financial information which is privileged or confidential * * *." It is EPA's position that some of the information described in 5 U.S.C. 552(b)(4) is required to be kept confidential—most notably, trade secrets. This requirement is not imposed by 5 U.S.C. 552(b)(4), since the exceptions in the Freedom of Information Act are merely a list of those types of information which an agency may withhold. Accordingly, if an agency is required to withhold information, it is by virtue of some other statutory provision. In this case it is 18 U.S.C. 1905, which makes it a criminal offense for a government employee to release trade secrets and certain specified financial informaion, in the absence of express statutory authority to do so. (For an example of such authority, see section 307(a)(1) of the Clean Air Act, as amended, 42 U.S.C. 1857h-5, which permits the disclosure of trade secrets "when relevant in any proceeding under this Act.")

Because the categories of information listed in 5 U.S.C. 552(b) are broader than the categories of information which an agency must at all times withhold, EPA faced two principal problems in administering the Freedom of Information Act with respect to requests for certain information submitted by industry.

First, it needed to establish procedures for ascertaining when a bona fide trade secret was in its hands. Paragraph (a) of the new § 2.107a attempts to fulfill this need. Paragraph (a) is largely unchanged in substance from the version previously proposed. In response to several thoughtful comments, however, it was decided that certain time limits established by other sections of Part 2 need not be suspended unless a question actually arises as to whether information requested constitutes trade secrets. Thus, paragraph (a)(3), as adopted, differs from the proposal in being contingent on receipt of a claim of trade secrecy. On the other hand, and notwithstanding several comments received, it is not felt that the General Counsel could respond intelligently to many disputed claims of trade secrecy within the maximum of 10 working days provided for in cases involving other exemptions. EPA has received single requests for several hundred separate items of information claimed to be trade secrets, and it anticipates that such requests may be relatively frequent. While EPA will try to make determinations as quickly as possible, it cannot in good faith bind itself to an unrealistically short deadline, particularly where its decisions on complex issues of fact and law will affect private property rights.

In addition, a new subparagraph permitting "advisory opinions" on trade secrecy claims has been added by subparagraph (4) of § 2.107a(a). This is a procedure suggested by several comments—which came, interestingly, from organizations having presumably divergent interests.

However, EPA has rejected the suggestion that paragraph (a) be changed to require formal administrative hearings, and notes that 5 U.S.C. 552(a)(3) authorizes de novo judicial review.

The final noteworthy change in paragraph (a) relates to the status of information submitted in support of a claim of trade secrecy. It was formerly EPA's presumption that such information would always be eligible for discretionary withholding under 5 U.S.C. 552(b)(4). On reconsideration, it appears that that presumption may be unjustified, as in the case of submissions which are argumentative in nature. Accordingly, submissions in support of claims of trade secrecy will be treated like any other information in the hands of EPA.

In addition to clarifying the procedures for determining when information is a "trade secret" and therefore subject to mandatory restrictions against public disclosure, the amendments published today also define that information which is "privileged or confidential" and which EPA will withhold from the public, even though not required to do so. (Many otherwise thoughtful comments erroneously assumed that any information covered by 5 U.S.C. 552(b)(4) must be withheld from the public, and that an agency has no discretion to release it.) Paragraph (b) of the new § 2.107(a) states, in effect, that when a private party is required to submit information which tial, EPA will not agree to withhold that information from the public. On the other hand, when EPA wishes to obtain the voluntary cooperation of a private party—as, for example, when it invites contract or grant proposals, or when it wishes to inform itself on the state-of-the-art of pollution abatement—it must be free to give assurances that the submitted information will not be available to competitors of the party making the submission.

Paragraph (b), as adopted, contains no substantial changes from the proposed version, except that it binds EPA to honor pledges of confidentiality made by government agencies when EPA has received from them information which it has no legal right to obtain directly from the original private source.

For the foregoing reasons, Part 2 of Title 40, Code of Federal Regulations, is hereby amended as follows, effective 30 days follow-

ing publication in the FEDERAL REGISTER (6-12-72):

1. The table of contents at the beginning of Part 2 is amended by inserting therein in sequence:

Sec.
2.107a Trade secrets and privileged or confidential information.

2. A new § 2.107a is added, reading as follows:

§ 2.107a Trade secrets and privileged or confidential information.

(a) *Trade secrets.* (1) In the event records requested under this part may contain trade secrets, the office responsible for maintaining the records requested will forward the request for determination and accompanying materials referred to in § 2.105(b) only to the Office of General Counsel, and the notice referred to in § 2.105(b), unless published in the FEDERAL REGISTER, will be sent by certified mail (return receipt requested): *Provided,* That notice under § 2.105(b) need not be given if similar notice was given prior to referring the matter to the Office of General Counsel.

(2) If a person to whom notice of a request for records has been given under § 2.105 (b), or otherwise, advises the Office of General Counsel, in writing, prior to the expiration of 10 working days following the receipt or publication of such notice, that the requested records contain trade secrets furnished by such person, the portions of such records said to contain trade secrets shall not be disclosed, nor copies provided, unless the General Counsel shall first have made a final written determination that such records do not in fact contain trade secrets, or unless such disclosure is authorized by statute in spite of the provisions of 18 U.S.C. 1905. In the event no claim or other response is received by the Office of General Counsel prior to the expiration of the 10 working days specified herein, it will, before reaching a determination with respect to trade secrecy, make prompt inquiries to ensure that the absence of a response hereunder is not attributable to delay or failure of the mails. A claim, including a claim asserted by telephone, made at the time of such inquiries and confirmed in writing will be considered timely for purposes of subparagraph (3) of this paragraph. The Office of General Counsel will promptly notify the requesting party whenever a claim is made under this subparagraph. In making a determination under this subparagraph, the General Counsel will consider any additional information submitted to the Office of General Counsel within 30 days of receipt of a claim made hereunder, or within such longer time period requested by the claimant or the requesting party as it may agree to. If authorized by 5 U.S.C. 552(b)(4), the Office of General Counsel may agree to treat any such additional information as confidential at the request of the person submitting it, in which case it will not be disclosed without the express written permission of the person submitting it. If the General Counsel determines that the records requested do not contain trade secrets, notice of such determination will be served by certified mail by the Office of General Counsel upon the person making the claim. No sooner than 30 days following the mailing of such notice, the requested records will be disclosed in accordance with this part.

(3) In the event a timely claim is made under subparagraph (2) of this paragraph, the time limits specified in §§ 2.106(a) and 2.109(b) will not apply. In addition, the time limit specified in § 2.106(a) will be extended to include the time required for the prompt inquiries by the Office of General Counsel, referred to in subparagraph (2) of this paragraph.

(4) On request of an interested party, the General Counsel may issue written determinations as to whether specified information contained in EPA records does or does not constitute trade secrets, whether or not a request for information has been made under this part. In the event a request is subsequently made under this part for information previously so determined to constitute trade secrets, EPA will be bound by that previous determination, unless the General Counsel: (i) Determines that subsequent events have destroyed the trade secrecy of the information in question, and (ii) gives written notice of such determination, and a full explanation of the basis therefore, to any person making a claim under subparagraph (2) of this paragraph.

(b) *Privileged or confidential information.* (1) Privileged or confidential information (other than trade secrets or financial information the disclosure of which is prohibited by 18 U.S.C. 1905), which is referred to in 5 U.S.C. 552(b)(4) and § 2.105(a)(4), and defined in subparagraph (2) of this paragraph, will not be disclosed under this part without the express written permission of the person providing it to EPA.

(2) For purposes of this paragraph, "privileged or confidential information" means information which an agency is authorized (but not required) by law to withhold from the public and which is either:

(i) Submitted to EPA pursuant to, and in reliance on, a pledge of confidentiality contained in any EPA form, or obtained in writing from EPA; or

(ii) Received from a State or Federal agency which in turn has received the information pursuant to, and in reliance on, a pledge of confidentiality, and which continues to consider itself bound by such pledge (unless EPA is entitled by law to demand such information from the original private source).

(3) No pledge will be made by EPA under subparagraph (2) of this paragraph in connection with information which EPA is entitled by law to demand (such as emission data under section 114 of the Clean Air Act, 42 U.S.C. 1857c-9) or which is submitted to EPA to fulfill a requirement imposed by statute or regulation in connection with a regulatory

scheme of general applicability (such as information contained in application for registrations, permits, certifications, and the like). Nothing herein is intended to affect the status of information which is required by law to be treated as confidential.

3. The last sentence of § 2.111(a) is revised to read:

§ 2.111 Payment.

(a) * * *

For purposes of this section, "processing" shall include all time spent in generating correspondence related to a request and in making determinations under §§ 2.106, 2.107 and 2.107a.

* * * * *

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

MAY 10, 1972.

[FR Doc. 72-7346 Filed 5-12-72; 8:51 am]

APPENDIX D — Prior Notice of Citizen Suits

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

PART 54—PRIOR NOTICE OF CITIZEN SUITS

On July 8, 1971 (36 F.R. 12866) the Administrator proposed a new 42 CFR Part 415: Rules setting forth procedures for giving notice of civil actions pursuant to section 304 of the Clean Air Act, as amended (sec. 12, Public Law 91-604, 84 Stat. 1706). Six organizations commented on the proposed rules. Due consideration has been given to the comments and in response thereto a number of changes have been made in the rules as proposed. In addition, regulations of the Environmental Protection Agency were recodified in title 40, chapter I on November 25, 1971. Accordingly, the rules originally proposed as Part 415 of title 42, chapter IV will be codified as Part 54 of title 40, chapter I.

The requirement for notice to alleged violators in § 415.2(c), as proposed, has been revised to require notice to the "managing agent" of the facility. Also, if the alleged violator is a corporation, notice to its registered agent, if any, is required.

Section 415.3(b), as proposed, has been revised to require that notice of a violation include information on the specific activity alleged to be in violation.

Section 415.3(c), as proposed, which required additional information to be included in the notice, if known to the citizen, has been deleted since it is the judgment of the Administrator that the potential procedural problems outweigh the possible benefit to be gained from the information which might be submitted pursuant to this section.

Accordingly, the regulations containing procedures for giving prior notice of citizen suits are hereby promulgated, effective 30 days after promulgation. Pending such effective date, the giving of notice of citizen suits in accordance with these regulations shall be deemed to satisfy the notice requirements of section 304 of the Act.

A new Part 54 is added to Chapter I, Title 40, Code of Federal Regulations as follows:

Sec.

54.1 Purpose.

54.2 Service of notices.

54.3 Contents of notice.

AUTHORITY: The provisions of this Part 54 issued under section 304 of the Clean Air Act, as amended (sec. 12 Public Law 91-604, 84 Stat. 1706).

§ 54.1 Purpose.

Section 304 of the Clean Air Act, as amended, authorizes the commencement of civil actions to enforce the Act or to enforce certain requirements promulgated pursuant to the Act. The purpose of this part is to prescribe procedures governing the giving of notices required by subsection 304(b) of the Act (sec. 12, Public Law 91-604, 84 Stat. 1706) as a prerequisite to the commencement of such actions.

§ 54.2 Service of notice.

(a) Notice to Administrator: Service of notice given to the Administrator under this part shall be accomplished by certified mail addressed to the Administrator, Environmental Protection Agency, Washington, D.C. 20460. Where notice relates to violation of an emission standard or limitation or to violation of an order issued with respect to an emission standard or limitation, a copy of such notice shall be mailed to the Regional Administrator of the Environmental Protection Agency for the Region in which such violation is alleged to have occurred.

(b) Notice to State: Service of notice given to a State under this part regarding violation of an emission standard or limitation, or an order issued with respect to an emission stand-

ard or limitation shall be accomplished by certified mail addressed to an authorized representative of the State agency charged with responsibility for air pollution control in the State. A copy of such notice shall be mailed to the Governor of the State.

(c) Notice to alleged violator: Service of notice given to an alleged violator under this part shall be accomplished by certified mail addressed to, or by personal service upon, the owner or managing agent of the building, plant, installation, or facility alleged to be in violation of an emission standard or limitation, or an order issued with respect to an emission standard or limitation. Where the alleged violator is a corporation, a copy of such notice shall be sent by certified mail to the registered agent, if any, of such corporation in the State in which such violation is alleged to have occurred.

(d) Notice served in accordance with the provisions of this part shall be deemed given on the postmark date, if served by mail, or on the date of receipt, if personally served.

§ 54.3 Contents of notice.

(a) *Failure to act.* Notice regarding a failure of the Administrator to perform an act or duty which is not discretionary shall identify the provisions of the Act which requires such act or creates such duty, shall describe with reasonable specificity the action taken or not taken by the Administrator which is claimed to constitute a failure to perform such act or duty, and shall state the full name and address of the person giving the notice.

(b) *Violation of standard, limitation or order.* Notices to the Administrator, States, and alleged violators regarding violation of an emission standard or limitation or an order issued with respect to an emission standard or limitation, shall include sufficient information to permit the recipient to identify the specific standard, limitation, or order which has allegedly been violated, the activity alleged to be in violation, the person or persons responsible for the alleged violation, the location of the alleged violation, the date or dates of such violation and the full name and address of the person giving the notice.

Dated: December 6, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

[FR Doc. /1-18006 Filed 12-8-71; 8:49 am]

APPENDIX E State Air Pollution Control Agencies

State of Alabama Department of Public Health
State Office Building
Montgomery, Alabama 36104
Telephone: 205-269-7634

Department of Environmental Conservation
Pouch O
Juneau, Alaska 99801
Telephone: 907-586-5371

Division of Air Pollution Control
4019 N. 33rd Avenue
Phoenix, Arizona 85017
Telephone: 602-271-5306

Arkansas Department of Pollution Control in Ecology
1100 Harrington Avenue
Little Rock, Arkansas 72202
Telephone: 501-371-1701

Air Resources Board
1025 P Street
Sacramento, California 95814
Telephone: 916-445-1511

Air Pollution Control Division
Colorado Department of Health
4210 E. 11th Avenue
Denver, Colorado 80220
Telephone: 303-388-6111

Air Pollution Control Section
Department of Environmental Protection
79 Elm Street
Hartford, Connecticut 06115
Telephone: 203-566-4030

Delaware Department of Natural Resources & Environmental Control
Division of Environmental Control
Tatnall Building, Capitol Complex
Dover, Delaware 19901
Telephone: 302-678-4761

Air Pollution Division
Department of Human Resources
25 K Street, N.E.
Washington, D.C. 20002
Telephone: 202-629-3748

Department of Pollution Control
Tallahassee Bank Building
315 S. Calhoun Street
Tallahassee, Florida 32304
Telephone: 904-224-9151

Air Quality Control Branch
Georgia Department of Public Health
116 Mitchell Street, S.W.
Atlanta, Georgia 30303
Telephone: 404-656-4867

Air Sanitation Branch
Division of Environmental Health
P.O. Box 3378
Honolulu, Hawaii 96801
Telephone: 808-548-6355

Air Pollution Control Section
Environmental Improvement Division
Idaho Department of Health
Statehouse
Boise, Idaho 83707
Telephone: 208-384-2390

Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 61706
Telephone: 217-525-3397

Indiana State Board of Health
1330 W. Michigan Street
Indianapolis, Indiana 46206
Telephone: 317-633-4273

Environmental Engineering Service
Iowa State Department of Health
Lucas State Office Building
Des Moines, Iowa 50319
Telephone: 515-281-5345

Kansas State Department of Health
State Office Building
Topeka, Kansas 66612
Telephone: 913-296-3896

Kentucky Air Pollution Control Commission
275 E. Main Street
Frankfort, Kentucky 40601
Telephone: 502-564-3382

Air Control Section
Bureau of Environmental Health
Louisiana State Department of Health
P.O. Box 60630
New Orleans, Louisiana 70160
Telephone: 504-527-5115

Department of Environmental Protection
State House
Augusta, Maine 04330
Telephone: 207-289-2811

Bureau of Air Quality Control
Maryland State Department of Health & Mental Hygiene
610 N. Howard Street
Baltimore, Maryland 21201
Telephone: 301-383-2779

Bureau of Air Use Management
Division of Environmental Health
Department of Public Health
600 Washington Street
Boston, Massachusetts 02111
Telephone: 617-727-2658

Air Pollution Control Section
Division of Occupational Health
Michigan Department of Public Health
3500 N. Logan Street
Lansing, Michigan 48906
Telephone: 517-373-1410

Division of Air Quality
Minnesota Pollution Control Agency
717 Delaware Street, S.E.
Minneapolis, Minnesota 55440
Telephone: 612-378-1320

Mississippi Air & Water Pollution Control Commission
P.O. Box 827
Jackson, Mississippi 39205
Telephone: 601-354-6783

Missouri Air Conservation Commission
P.O. Box 1002
112 W. High Street
Jefferson City, Missouri 65101
Telephone: 314-635-9145

Division of Air Pollution Control
Montana State Department of Health
Cogswell Building
Helena, Montana 59601
Telephone: 406-449-3454

Division of Air Pollution Control
State Department of Environmental Control
411 S. 13th Street
Lincoln, Nebraska 68508
Telephone: 402-471-2186

Bureau of Environmental Health
Nye Building
201 South Fall Street
Carson City, Nevada 89701
Telephone: 702-882-7482

New Hampshire Air Pollution Control Agency
61 S. Spring Street
Concord, New Hampshire 03301
Telephone: 603-271-2281

New Jersey State Bureau of Air Pollution Control
Division of Environmental Quality
Department of Environmental Protection
P.O. Box 1390
Trenton, New Jersey 08625
Telephone: 609-292-5450

Environmental Improvement Agency
PERA Building, College & W. Manhattan
Santa Fe, New Mexico 87501
Telephone: 505-827-2813

New York State Department of Environmental Conservation
50 Wolf Road
Albany, New York 12205
Telephone: 518-457-3446

Department of Water & Air Resources
P.O. Box 27048
Raleigh, North Carolina 27611
Telephone: 919-829-3006

North Dakota State Department of Health
State Capitol
Bismarck, North Dakota 58501
Telephone: 701-224-2371

Air Pollution Unit
Ohio Department of Health
450 E. Town Street
Columbus, Ohio 43216
Telephone: 614-469-2390

Air Pollution Control Division
Environmental Health Services
Oklahoma State Department of Health
3400 N. Eastern Avenue
Oklahoma City, Oklahoma 73105
Telephone: 405-427-6561

Air Quality Control Division
Department of Environmental Quality
1400 S. W. Fifth Avenue
Portland, Oregon 97201
Telephone: 503-229-5630

Bureau of Air Quality & Noise Control
Department of Environmental Resources
Commonwealth of Pennsylvania
P.O. Box 2351
Harrisburg, Pennsylvania 17120
Telephone: 717-787-6838

Department of Health
Avenue Ponce de Leon
Santurce, Puerto Rico 00908
Telephone: 809-725-1218

Rhode Island Division of Air Pollution Control
204 Health Building, Davis Street
Providence, Rhode Island 02908
Telephone: 401-277-2808

South Carolina Pollution Control Authority
Owen Building, 1321 Lady Street
P.O. Box 11628
Columbia, South Carolina 29211
Telephone: 803-758-2966

South Dakota State Department of Health
Division of Sanitary Engineering & Environmental Protection, Air Quality Control Program
Office Building #2
Pierre, South Dakota 57501
Telephone: 605-224-3351

Division of Air Pollution Control
Department of Public Health
C2-212, Cordell Hull Building
Nashville, Tennessee 37219
Telephone: 615-741-3931

Air Pollution Control Services
Texas State Department of Health
1100 W. 49th
Austin, Texas 78756
Telephone: 512-454-3781, Ext. 380

Utah State Division of Health
44 Medical Drive
Salt Lake City, Utah 84113
Telephone: 801-328-6121

Agency of Environmental Conservation
Air Pollution Control
Montpelier, Vermont 05602
Telephone: 802-223-2311

State Air Pollution Control Board
Ninth Street Office Building
Richmond, Virginia 23219
Telephone: 703-770-2378

Division of Environmental Health
Department of Health
P.O. Box 1442
St. Thomas, Virgin Islands 00801
Telephone: 809-774-3411

Washington State Department of Ecology
P.O. Box 829
Olympia, Washington 98504
Telephone: 206-753-2821

West Virginia Air Pollution Control
Commission
1558 Washington Street, East
Charleston, West Virginia 25311
Telephone: 304-348-3286

Bureau of Air Pollution Control and Solid
Waste Disposal
4610 University Avenue
Madison, Wisconsin 53705
Telephone: 608-266-0924

Industrial Hygiene Services
Division of Health & Medical Services
Department of Health & Social Services
State Office Building
Cheyenne, Wyoming 82001
Telephone: 307-777-7511

APPENDIX F — Bibliography

These documents are available free from the Environmental Protection Agency, Washington, D.C. 20460. In quantities over 10, allow three weeks for delivery.

- The Clean Air Act (42 U.S.C. 1857 et. seq.)
- EPA, "The National Primary and Secondary Ambient Air Quality Standards" 42 Code of Federal Regulations, Part 410, 36 Federal Register 8186 (April 30, 1971)
- EPA, "Requirements for Preparation, Adoption, And Submittal of Implementation Plans" (Federal Guidelines) 42 Code of Federal Regulations, Part 420, 36 Federal Register 15486 (August 14, 1971 et. seq.)

These documents are available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 at the price listed.

- Air Quality Criteria Documents: (Price $1.75)
  - —Carbon Monoxide, GPO No. HE 20.1309:62
  - —Photochemical Oxidants, GPO No. HE 20.1309:63
  - —Hydrocarbons, GPO No. HE 20.1309:64
  - —Nitrogen Oxides, GPO No. EP 4.9:84
  - —Particulate Material, GPO No. FS 2.93/3:49
  - —Sulfur Oxides, GPO No. FS 2.93/3:50
- Control Technique Documents: (Price $1.75)
  - —Particulate Air Pollutants, GPO No. FS 2.93/3:51
  - —Sulfur Oxides, GPO No. FS 2.95/3:52
  - —Carbon Monoxide Emissions from Stationary Sources, GPO No. HE 20.1309:65
  - —CO,NO_x and Hydrocarbons Emissions from Mobile Sources, GPO No. HE 20.1309:66
  - —Nitrogen Oxide Emissions from Stationary Sources, GPO No. HE 20.1309:67
  - —Hydrocarbon and Organic Solvent Emissions from Stationary Sources, GPO No. HE 20.1309:68
- Annual Report of the Administrator of the Environmental Protection Agency, "The Economics of Clean Air." (Price $1)
- Guide for Air Pollution Episode Avoidance, AP 76, GPO Stock No. 5503-0014. (Price 70 cents)
- Guide for Control of Air Pollution Episodes in Medium-Sized Urban Areas, AP 77, GPO Stock No. 5503-0013. (Price 40 cents)
- Guide for Control of Air Pollution Episodes in Small-Sized Urban Areas, AP 78, GPO Stock No. 5503-0012. (Price 40 cents)
- Guidelines: Air Quality Surveillance Networks, AP 98, GPO Stock No. EP 4.9:98. (Price 20 cents)

[The AP series of reports is issued by EPA to report the results of scientific and engineering studies and information of general interest in the field of air pollution. This series includes coverage of Air Program intramural

activities and of cooperative studies conducted with State and local agencies, research institutes and industrial organizations. Copies of AP reports are available free to Federal employees, current contractors and grantees, and nonprofit organizations as supplies permit from the Technical Publications Branch, EPA, Research Triangle Park, North Carolina 27711. Others may purchase copies from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.]

Other Publications:

Air Pollution Primer—National Tuberculosis and Respiratory Disease Association, 1969. An introduction to the problem of air pollution. (Free from local Tuberculosis and Respiratory Disease Associations.)

A Citizen's Guide to Clean Air—Conservation Foundation, January 1972. A manual to help citizens participate in air quality improvement. (Free from EPA, Washington, D.C. 20460.)

Air Pollution Workbook—Scientists' Institute for Public Information, 1970. Lucid, short explanations of the atmosphere, characteristics of specific pollutants, and biological effects of pollution. (Order from Scientists' Institute for Public Information, 30 East 68th Street, New York City 10021. $1 per copy.)

Action for Clean Air: A Manual for Citizen Participation in State Implementation Plan Proceedings Under the Clean Air Amendments of 1970—Detailed discussion of the 1970 Act. (Order from Natural Resources Defense Council, Inc., 36 West 44th Street, New York City 10036. 50 cents per copy.)

How to Plan an Environmental Conference—League of Women Voters. Details the actual processes involved in preparing workshops, seminars or conferences. (Free from the League of Women Voters, 1730 M Street, N. W., Washington, D. C. 20036.)

Environmental Law Handbook—Friends of the Earth/Ballantine Books, Inc. A compendium of legal aspects of air pollution enforcement, including sections on citizen suits. (Order from Friends of the Earth, 620 C Street, S. E., Washington, D. C. 20003. 95 cents per copy.)

Vanishing Air—By John C. Esposito, 1970. A study of the Federal attack on air pollution prior to the formation of EPA. (Order from Grossman Publishers, 625 Madison Avenue, New York City 10022. 95 cents per copy.)

Don't Leave It All to the Experts: EPA, 1972. A handbook for citizens on how to bring about environmental improvements through citizen action organizations. (Free from EPA, Washington, D.C. 20460)

APPENDIX G — EPA Regional Offices

Each Regional Office has a Public Affairs director who can provide assistance and materials to individuals and groups seeking to work on environmental problems.

Regional Offices	States covered
Boston, Mass. 02203 617-233-7223	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
New York, N.Y. 10007 212-264-2515	New Jersey, New York, Puerto Rico, Virgin Islands
Philadelphia, Pa. 19106 215-597-9370	Delaware, Maryland, Pennsylvania, Virginia, West Virginia, D.C.
Atlanta, Ga. 30309 404-526-3004	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee
Chicago, Ill. 60606 312-353-5800	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
Dallas, Texas 75201 214-749-1151	Arkansas, Louisiana, New Mexico, Oklahoma, Texas
Kansas City, Mo. 64108 816-374-5495	Iowa, Kansas, Missouri, Nebraska
Denver, Colo. 80203 303-837-4905	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming
San Francisco, Calif. 94111 415-556-6695	Arizona, California, Hawaii, Nevada, American Samoa, Guam, Trust Territories of the Pacific, Wake Island
Seattle, Wash. 98101 206-442-1203	Alaska, Idaho, Oregon, Washington

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